

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	
	§	CHAPTER 11
BRAZOS ELECTRIC POWER	§	
COOPERATIVE, INC.,	§	CASE NO. 21-30725 (DRJ)
	§	
DEBTOR.	§	
	§	

BRAZOS ELECTRIC POWER	§	
COOPERATIVE, INC.,	§	
	§	
PLAINTIFF	§	
	§	
V.	§	Adv. Pro. No. 21-03863 (DRJ)
	§	
ELECTRIC RELIABILITY COUNCIL OF	§	
TEXAS, INC.,	§	
	§	
DEFENDANT.	§	
	§	

**JOINT STIPULATION AND AGREED ORDER AMONG
THE PUBLIC UTILITY COMMISSION OF TEXAS AND DENTON
COUNTY ELECTRIC COOPERATIVE, INC., D/B/A COSERV ELECTRIC**

The Public Utility Commission of Texas (the “**PUCT**”) and the Denton County Electric Cooperative, Inc., d/b/a CoServ Electric (“**CoServ**”) hereby file this Joint Stipulation and Agreed Order through their undersigned counsel and hereby stipulate and agree (“**Stipulation and Agreed Order**”) as follows:

WHEREAS on October 22, 2021, Plaintiff-Intervenor Denton County Electric Cooperative, Inc., d/b/a CoServ Electric (“**CoServ**”) served a *Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Bankruptcy Case (or Adversary Proceeding)* [Doc. 151] (the “**Subpoena**”) upon the PUCT.

WHEREAS on November 5, 2021, the PUCT filed its *Motion to Quash Subpoena, or in the Alternative, Motion for Protective Order* [Doc. 206] (“**Motion to Quash**”).

WHEREAS on November 24, 2021, CoServ filed its *Response to the Public Utility Commission of Texas’s Motion to Quash Subpoena, or in the Alternative, Motion for Protective Order and Emergency Cross-Motion to Compel* [Doc. 260] (“**Cross-Motion to Compel**”).

WHEREAS an agreement has been reached between CoServ and the PUCT (the “**Parties**”) regarding discovery parameters and deadlines in response to the Subpoena, including search terms, custodians of record, and the time period for the search.

WHEREAS CoServ agrees that by the PUCT voluntarily agreeing to produce documents in response to the Subpoena and by the filing and entry of this Stipulation and Agreed Order, the PUCT in no way waives or is intending to waive its assertion of sovereign immunity.

WHEREAS, the PUCT and CoServ, in light of the agreement reflected herein, agree to withdraw the Motion to Quash and Cross-Motion to Compel, respectively.

NOW, THEREFORE, IT IS STIPULATED, AGREED, AND ORDERED as follows:

1. The foregoing recitals are hereby incorporated by reference into this Stipulation and Agreed Order.
2. The Motion to Quash filed by the PUCT is hereby withdrawn.
3. The Cross-Motion to Compel filed by CoServ is hereby withdrawn.
4. This Stipulation and Agreed Order shall be binding upon the Parties and upon all of their affiliates, assigns, and successors, in each case, in their respective capacities as such.
5. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Stipulation and Agreed Order, and the Parties hereby consent to such jurisdiction to resolve any disputes or controversies arising from or related to this Stipulation and Agreed Order.

Signed: _____, 2021

THE HONORABLE DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

Dated: December 9, 2021

STIPULATED AND AGREED:

<p><u>/s/ Layla D. Milligan</u> JASON B. BINFORD Texas State Bar No. 24045499 S. Dist. Bar No. 574720 LAYLA D. MILLIGAN Texas State Bar No. 24026015 S. Dist. Bar No. 38000 AUTUMN HIGHSMITH Texas State Bar No. 24048806 S. Dist. Bar No. 597383 Office of the Attorney General of Texas Bankruptcy & Collections Division P. O. Box 12548 MC008 Austin, Texas 78711-2548 Telephone: (512) 463-2173 Facsimile: (512) 936-1409 jason.binford@oag.texas.gov layla.milligan@oag.texas.gov autumn.highsmith@oag.texas.gov <i>Counsel for the Public Utility Commission of Texas</i></p>	<p><u>/s/ Maris Kandestin</u> CHARLES R. GIBBS Texas State Bar No. 7846300 ERIC SEITZ Texas State Bar No. 24067863 JANE A. GERBER Texas State Bar No. 24092416 MARIS KANDESTIN Del. State Bar No. 5294 McDermott Will & Emery LLP 2501 North Harwood Street, Suite 1900 Dallas, Texas 75201-1664 Telephone: (214) 295-8000 Email: crgibbs@mwe.com eseitz@mwe.com jagerber@mwe.com mkandestin@mwe.com <i>Counsel to Denton County Electric Cooperative, Inc., d/b/a CoServ Electric</i></p>
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CERTIFICATE OF SERVICE

I certify that on December 9, 2021, I caused a copy of the foregoing document to be served by the Electronic Case Filing System in the United States Bankruptcy Court for the Southern District of Texas.

/s/ Layla D. Milligan
LAYLA D. MILLIGAN